

THE MARYLAND WILDLIFE ADVISORY COMMISSION  
MARCH 13, 2002 - MINUTES

Members: T. Lambert, L. Adams, J. Fritz, C. Garner, J. Lamp, R. Gregory

Guests: M. King, C. Dollar

Staff: B. Beyer, L. Hindman, B. Harvey, B. Beckett, S. Richardson

Wildlife and Heritage Service Director Paul Peditto called the meeting to order at 9:35 am. The February 2002 minutes were approved with one change noted on page 2, where "HB 9" should read "HB 69".

Director Peditto said that yesterday the Governor's Office appointed four new members to the Commission: Morris King, Christopher Dollar, Wilson Freeland, and Katherine Jones. Mr. King, a Charles County resident and outdoorsman, is a graduate of Hampton University. Mr. King is a scientist and works in the pharmaceutical industry. Mr. Dollar works for the Chesapeake Bay Foundation as an editor and writer. Originally from Annapolis, he now lives on the eastern shore. Mr. Freeland, a Calvert County farmer, is chairman of the Maryland Farm Bureau (MFB) Wildlife Committee and a former president of the Calvert County Farm Bureau. Ms. Jones, a former member of Easton's Town Council, is knowledgeable in economic and cultural issues surrounding hunting and wildlife management. Commissioners Adams, Gregory, and Lamp were re-appointed. Both Mr. King and Mr. Dollar were able to attend this meeting, although they are not officially sworn in and are not yet voting members.

Mr. Bob Beyer, Game Program Associate Director, provided the hand-out that will be used for the March public hearings [Attachment A] on proposed regulatory changes for the next two hunting license years. The schedule for the Public Hearings is as follows: Cumberland: Thursday, March 21, 2002; Annapolis: Tuesday, March 26, 2002; Cambridge: Thursday, March 28, 2002. The closing period for comments has been extended to April 5, 2002. Director Peditto said the Commission will be reviewing the public comment at their April meeting and will need to approve the proposed seasons at that time, or very soon thereafter. There was some discussion regarding the process that required such immediate action.

Commissioner Lamp wondered if the deer baiting issue would be addressed at these public meetings. Mr. Beyer said DNR's proposal only reflects the seasons and bag limits. If the Commission believes it is appropriate to discuss this issue, Director Peditto felt time would be needed for research and discussion. He said the baiting issue has no impact on the resource and is a personal choice made by the hunter, such as using muzzleloader scopes verses iron sites, compound bows verses recurve bows, etc. He did not believe it was government's role to impose on these types of decisions. "If the Commission feels it necessary to have this debate from a public policy perspective, then we will."

Commissioner Lamp replied, "We have 31 pages of choices in this document. It may be true that there is some biological basis to this, but there are also some choices." He said, "We do not need a muzzleloader season. That is a choice issue. These regulations are tools to manage wildlife. Baiting deer is not a tool." Commissioner Gregory referred to the February minutes, when the Commission agreed to add the deer baiting discussion to the April agenda. Chairman Lambert suggested that the Captive Wildlife Committee update be moved to a later meeting to allow adequate time for discussion of the deer baiting issue in April. In response to Commissioner Lamp's concerns, Director Peditto explained that the baiting issue could be addressed and dealt with next year as an emergency action, if that becomes necessary. Chairman Lambert explained that the proposed regulation changes are those that DNR desires to make. "That is what the hearings are about," he stated. "The baiting issue is not on the DNR agenda."

Chairman Lambert explained that the process involves a vote by the Commission, followed by a recommendation to DNR. DNR takes the recommendations to the public. Commissioner Lamp felt that was not understood at the February meeting. Commissioner Gregory respectfully disagreed, adding that because Sgt. Baker wanted to bring something to the table, Commission members wanted time to discuss this issue. "We need to have the biologists' input, Sgt. Baker's input, and ample time to discuss the issues. After we have made a decision, DNR can take that to the public," he stated.

Mr. Beyer passed out Nominees for Employee of the Year, Conservationist of the Year and Farmer of the Year [Attachment B]. He explained that each year the Wildlife and Heritage Service solicits recommendations from staff, outside groups, and the Farm Bureau for these nominations. He encouraged Commission members to review the recommendations and return their vote through e-mail ([kcrotty@dnr.state.md.us](mailto:kcrotty@dnr.state.md.us)) or telephone (410) 260-8540 to Kim Crotty by March 29, 2002. In August, at the Maryland Sportsman's Association (MSA) Banquet, DNR will recognize both the candidates and the winners. There was some discussion regarding how many times someone could be recommended for these awards. Mr. Beyer said there were no rules stating that a person cannot be nominated more than once or even every year.

Chairman Lambert called on Director Peditto to talk about Legislative updates. Director Peditto said SB 599, "the Hunting License Bill," was heard on the floor of the Senate while he was present to provide feedback for the sponsor and Chairman of the Committee. "This bill will raise an estimated \$1.5 million dollars for the unit through an increase in hunting licenses fees, while streamlining the entire hunting license process," he explained. "Our current license structure has sixteen licenses and stamps. The new bill will reduce this to about seven or nine, depending on how the amendments work out."

HB-9 - deals with Deer Management Plans. HB-9 was amended in the House to one Sunday (specified as the Sunday after Opening Day of Deer Firearms Season); it also includes a minimum of 21 days for deer firearms season. That bill passed out of the House and has moved to the Senate. The Senate Environmental Health and Economic Affairs Committee will hear this bill on the March 18, 2002. HB-10 - Black Bear Management passed out of the House. This is similar to Deer Damage Permits, but with broader language. The Senate has taken no action.

HB-69 and companion SB-18 – Both bills deal with Blind Sites and the need to include Virginia riparian landowners along the non-tidal portion of Potomac in the opportunity to license their waterfront. DNR has been working with members of the House, (specifically Del. Michael Weir) and Senate to craft this legislation. HB-311 - Deer Hunting- Length of Season and Bag Limits in Management Regions. This bill was withdrawn. HB-377 - Leghold Traps. Bill was withdrawn by the sponsor. HB-664- Wildlife and Inland Fisheries Commission. Bill heard last Friday and unanimously rejected.

Director Peditto reported that Del. Weir introduced three separate bills regarding hunting licenses: Residents, Non-residents, and the Conservation Stamp. He said DNR opposed two of three bills and it is unlikely that those opposed will come out of the House Committee. The third bill raises non-resident license fees and also retains the muzzleloader and bow stamps; however, both stamp fees increase from \$3.50 to \$25.00 a piece. DNR supported that bill, while making it clear in testimony that another bill in the Senate would accomplish DNR goals more directly. Director Peditto is hopeful that the best parts of these two bills will be merged. Chairman Lambert asked Director Peditto if DNR opposes the conservation stamp bill, and Director Peditto said yes, DNR opposes that bill.

HJR 12 and SJR 15 - joint resolutions, one on the Senate and another on the House side. Both encourage the US Fish and Wildlife Service (USFWS) to adopt regulations to give the State broader authority to implement Maryland's Mute Swan Management plan and allow for egg adding this spring. Both the House and the Senate resolutions had passed out of Committee and the Senate version passed out of the full Senate.

With regards to the Black Bear Management bill, HB-10, Commissioner Lamp expressed concern about the ability to sell a Bear Damage Permit, saying, "We may encounter more nuisance bears than we had before." Director Peditto replied that farmers could not sell a permit that authorized them to hunt black bears; however the farmer may add someone as a shooter just as they can with the Deer Damage Permit. He said that if the farmer adds an agent in exchange for a fee to access the property, it becomes an issue of landowner property rights. Commissioner Lamp said DNR would need to investigate very carefully before any permit was issued. Director Peditto assured Commissioner Lamp that he has already asked staff to take a hard look at this issue.

Commissioner Adams asked about DNR's position on HB-9. Director Peditto said DNR has taken no position on this bill. Commissioner Adams recalled the MSA proposal on Sunday hunting brought before this Commission. He reminded members that the Commission recommended the law be changed so that decisions about Sunday hunting would come under the regulatory authority of DNR. "We are back in the legislative arena," stated Commissioner Adams. "If this passes, it is the legislators who will decide." Director Peditto replied, "We're having ongoing discussions with key members on both sides; we prefer that HB-9 did not have the mandatory language." Director Peditto added that DNR provided technical assistance to the legislators and their staff and encouraged them to retain the language with the Department's authority.

Commissioner Robert Gregory also expressed concern about legislation preventing input from DNR's wildlife biologists and circumventing the regulatory process. Director Peditto explained that several bills were withdrawn before they were introduced. He believes DNR has good communication and access to the Committees we work with. "We provided the committee members with technical information and spent a lot of time with them. We think they are starting to trust that this is a Secretary and Deputy team whose goals are clearly in line with managing natural resources for all Marylanders," he stated.

There was general discussion about the role of the Department and the Commission and how laws are created. Commissioner Adams stated that in Maryland this group is an Advisory Commission with no regulatory authority; however, in some states Commissions do have more authority. Director Peditto cited several instance, such as the pheasant release program in Pennsylvania, where wildlife biologist opinions were overruled by Game Commission decisions. More recently, the Virginia Marine Escrow Commission rejected biologist recommendations to follow Maryland's new restrictions on crabs.

Chairman Lambert called on Larry Hindman for the Waterfowl Advisory Committee Update. Mr. Hindman reported that Chairman Ladd Johnson has resigned from the Committee. Ms. Carol Baker is considering accepting the chairmanship. Recently the Governor appointed two new members, David G. Bourdon from Southern Maryland and Edmund Temple from Ducks Unlimited.

Mr. Hindman passed out a report on phragmites control activities [Attachment C], prepared by Donald Webster. Funds generated by the sale of migratory waterfowl stamps are used to control phragmites on public lands. In 2001, it cost \$33,000 (\$84.00 an acre) to treat 400 acres with herbicide. Another 400 acres on the lower Eastern Shore were treated via the State Cost Share program, with DNR providing herbicide and technical assistance to the landowner. The Department of Agricultural assisted with spraying on agricultural lands on the upper Eastern Shore.

Mr. Hindman also reported that the Waterfowl committee fully supports DNR's proposed early waterfowl seasons [Attachment D], which will be taken to the public meetings. He briefly discussed the legal status of Mute Swans. Due to a recent court ruling, the USFWS has been charged with management of this species. Mr. Hindman believes Federal regulations will be modified to limit USFWS responsibility to native species. For now, DNR must have a Federal permit before conducting any Mute Swan control activities, noting that application has been made to addle mute swan eggs in the spring.

Mr. Hindman discussed possible liberalization of snow goose hunting regulations by the USFWS. DNR supports the use of electronic calls and unplugged shotguns, and shooting hours to end ½ hour after sunset, which would be implemented under a conservation order when other waterfowl seasons were closed. He anticipates sliding the 107-day snow goose seasons forward to overlap the deer firearms season, which is when the geese first arrive, to be followed by the special conservation season.

Mr. Hindman mentioned possible extensions to the Federal framework allowing for a longer duck season. There is a lot of debate about adding days to the front or back of the season and Mr. Hindman says it's too early to speculate. The Atlantic Flyway Technical Section is urging caution in this regard.

Mr. Hindman just received a draft of the USFWS Environmental Impact Statement for managing resident Canada geese, which would give the state greater flexibility by eliminating the need for federal permits for depredation orders and egg addling, along with some liberalization in hunting methods when other waterfowl seasons are closed. He does not expect these changes to be finalized for at least another year.

Several questions were raised regarding the Mute Swan Management Plan. Mr. Hindman said that Director Peditto will soon provide the Secretary with the plan, which incorporates some, but not all, of the recommendations made by the Mute Swan Task Force. Implementation of the mute swan management plan and research work will be conducted simultaneously. The Commission has already gone on record to support reducing the mute swan population. Mr. Hindman credited Mike Maylor, a DNR Submerged Aquatic Vegetation expert, with designing the research and helping to develop sections of the plan that deal with the impact of mute swans on bay grasses.

Commissioner Lamp expressed concern about duck numbers reported in Maryland Midwinter Waterfowl Survey Results. Mr. Hindman attributed the declines to weather and delayed migration and not to population declines. Additionally, due to Sept. 11<sup>th</sup>, flights were restricted in areas such as Aberdeen Proving Ground and Edgewood Arsenal, where there were typically large numbers of black ducks and gadwall.

Mr. Hindman passed out a document, "Waterfowl Outfitter and Professional Hunting Guide Law and Regulations Proposal, February 28, 2002" [Attachment E]. The document was prepared in response to the Commissions' concerns about the high harvest rates of migratory Canada geese, which many feel contributed to the population's decline.

DNR is proposing a two tier licensing system: both the waterfowl outfitter, who is responsible for the operation of the business, and the professional waterfowl guide working for the outfitter would have to be licensed. Also, anyone receiving monetary consideration for the daily use of waterfowl stationery blind or blind site would have to be licensed. The proposal includes two license fees: \$100.00 for the guide and \$500.00 for the outfitter.

Outfitters would have to meet several qualifications, noted in Attachment E. Among those are certification in American Red Cross Standard First Aid and the requirement for a US Coast Guard license if transporting hunters to and from blind sites with a boat. Also, anyone with a history of violations within the last five years would be automatically disqualified..

Natural Resources Police (NRP) staff helped develop the proposal and addressed issues regarding multiple parties being taken through a blind. "We discussed preventing the guide from having a gun so he could not take the daily bag limit for his client," explained Mr. Hindman, adding that NRP believes the guide needs to be able to dispatch cripples.

Limiting the number of hunting parties a guide could take in a day is also under consideration, as is a regulation for aiding and abetting that would include mandatory loss of license for two or more violations.

Commissioner Gregory questioned the increase in the license fee from \$100 to \$500, since the Commission had recommended an increase to \$200. Mr. Bill Harvey, Game Bird Manager, said the current \$100.00 fee is for the outfitters only, and there is no license or fee requirement for the guide who's working for the outfitter. The proposal calls for outfitters to be Maryland residents. Commissioner Gregory questioned why the guide license would be given to non-residents. Mr. Hindman said NRP officers report that many guides move between Maryland and Delaware, especially for snow geese. Commissioner Gregory asked if Maryland should be licensing guides for other species as well, such as deer and turkey. Mr. Harvey said they are not resource issues, so DNR prefers not to get involved at that level. Commissioner Gregory said he felt all hunting guides should have the same regulations and license. Mr. Hindman said that, except for the required license to operate a boat offshore, the proposal can be easily modified.

Commissioner King questioned the economic impact on those outfitters and guides already in business. Mr. Hindman said DNR is not proposing to limit the number of outfitters or guides to a specified number, but is trying to include requirements that will limit how many people participate in the industry. What would have the most economic impact would be to limit the number of guides, or limit the number of hunting parties that could be taken to a specific hunting area in a day.

Chairman Lambert asked if Regulated Shooting Areas would be affected and Mr. Hindman said they would not. There was some discussion about the current practice of taking multiple parties through an area. Mr. Hindman reported that this past year, one farm ran thirteen hunting parties a day, and that was with a one-bird bag limit. "Being able to take the outfitter's license away is the tool required to make them play by the rules. A \$150.00 fine means nothing to someone charging \$600.00 to each hunting party," he said, adding that NRP does not have the manpower needed to closely watch commercial outfitters.

Commissioner Adams asked if DNR plans to limit the number of hunting parties each day. Mr. Hindman said yes, but that number has not yet been determined. Not yet included in the draft proposal is the requirement to post property maps at the entrance to the property, which would help NRP's enforcement effort.

Director Peditto stated that whenever fees are proposed that impact local business, several tests have to be met, including review by the Office of the Attorney General and the statutory provisions. Mr. Hindman asked the Commissioners to review this information and forward any questions or comments to him. The goal is to have something ready for the next Legislative Session.

Chairman Lambert reported that the chairman of the Non-Lethal Task Force was unable to attend today's meeting and will be re-scheduled in May. Also in May, the Commission will make a presentation to former Commission Chairman, Spaulding Goetze. The Wildlife and Heritage Service Regional Operations Program update was also moved to the May 15<sup>th</sup> meeting.

Chairman Lambert asked Mr. Bob Beckett, Chief Resources Management, State Forest and Park Service (SFPS) for his report. Mr. Beckett brought the Commission up-to-date on four topics relating to wildlife on SFPS properties. The SFPS is writing operational policy for nuisance black bear situations to be consistent with DNR's Nuisance Black Bear Plan. There are plans to provide every park unit in the Western Region with an up-dated black bear manual every spring, which will include signage requirements and educational modules for the public, such as sample hand-outs and a check-list of frequently asked questions. Mr. Beckett wants a "Do Not Feed the Bears" policy to be understood by all, visitors as well as staff.

Priorities for the SFPS are the safety of park visitors and general public, the safety of State Forest and Park Service personnel, and the safety of the black bear. Park rangers need to be trained in aversive conditioning techniques, and believes the Humane Society of the United States will be providing training materials. He stressed the importance of being able to conduct aversive conditioning at the time the bear incident takes place. The first class is scheduled for April. The SFPS Western region will also begin to budget for bear-resistant food lockers, which will be available for campers. Bear-resistant trash containers will continue to be placed. Mr. Beckett also wants to develop a clear policy statement which spells out under what conditions a bear should be euthanized and what is the most humane way to do so.

SFPS has already submitted an application to USFWS for a renewal of their depredation permit for resident Canada geese. The pilot program with Geese Peace, which used border collies to frighten geese away, was only successful at the Seneca Creek State Park. Rocky Gap and the Hammermill area of Gunpowder State Park were too far away for timely response. "If you don't react when the geese are flying in, it becomes more difficult to keep them away on a long-term basis," he explained. He is hopeful that Geese Peace will be back at the Seneca park location this year. SFPS also plans to support Montgomery County's egg oiling/addling program, which will reduce the recruitment of young hatchlings. There is a possibility that the Geese Peace approach would work in a local area, given cooperation among major subdivisions and other government-held properties. He believes one dog and one handler could cover Montgomery County. Maryland National Park and Planning Commission is interested in this idea.

Mr. Beckett said the SFPS managed hunt program, which included six facilities, concluded successfully and without incidents. These hunts are held at Fair Hill NRMA, Gunpowder Falls, Seneca Creek, Fort Frederick, Rosaryville, and Chapman's Landing state parks.

Mr. Beckett said an exotic insect, with the potential to devastate Maryland's hemlock trees, has been found in Cunningham Falls State Park and the Savage River State Forest. Connecticut lost 90% of their hemlock trees from infestation by the Hemlock Woolly Adelgid, a tiny insect that resembles an aphid. Hemlocks are prevalent along deeply sloped stream banks, helping to cool the streams and protect from erosion. Mr. Beckett said DNR's Wildlife and Heritage, Forestry, and Fisheries Service, as well as the Maryland Department Agricultural (MDA) will join SFPS to develop an action plan as soon as possible. He said the US Forestry Service is experimenting with predator beetles that feed only on the Hemlock Woolly Adelgid.

Commissioner Lamp passed along information about a landowner whose property abuts Chapman's Landing. Despite DNR's efforts to include area residents in the public process that resulted in a local park advisory committee recommending the managed hunt, she had strong objections to the hunt. Mr. Beckett said his staff was aware of this situation and had spoken to this landowner about her concerns. He stated this particular managed hunt was requested by the Advisory Committee that is developing the Park's long range plan and was also supported by the Maryland Native Plant Society.

Chairman Lambert called on Sgt. Scott Richardson for the NRP report. Sgt. Richardson passed the February NRP report [Attachment F]. NRP's focus was redirected from hunting law enforcement to the commercial rockfish and oyster industries. "We seized roughly 2700 pounds of illegal rockfish last month, primarily on the upper Eastern Shore," he said.

Chairman Lambert said that MSA is still working through the legislative session. The new MSA representative to the Commission will be Mr. Steve Huettner.

Commissioner Gregory reminded members that he was no longer representing the Commission on the Black Bear Task Force. Former Commissioner Catherine Tait was going to take on this role. Chairman Lambert tabled this discussion in order to include all four newly-appointed Commission members.

Commissioner Lamp suggested that the Non-Lethal Task Force on Wildlife be represented at Commission meetings. This idea was discussed briefly, with no motion being made. Apparently, this task force has been dissolved.

The meeting was adjourned at 12:30 pm.

Distribution of Minutes and Attachments: T. Lambert, L. Adams, J. Fritz, J. Lamp, R. Gregory, M. King, C. Dollar, K. Jones, C. Garner, V. Wilson, K. Blizzard, T. Broll, S. Richardson, M. Hoffman, P. Peditto, C. Fox, K. White, C. Watson, Wildlife and Heritage Service Executive and Regional Managers, Chairman of Waterfowl, Fur Resource and Wild Turkey Advisory Committees